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EXAMINER

JEAN, FRANTZ B

ART UNIT PAPER NUMBER

2151

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,730

Applicant(s)

DATTATRI, KAYSHAV

Examiner

Frantz B. Jean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This office action is in response to the amendment filed 11/14/04. Claims 1-15 are still pending in the application.

The drawings filed on 11/14/04 were considered by the examiner and were placed in the file.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima U.S. Patent No. 6,499,021 in view of Lin et al. (U.S. Patent No. 6,163,802).

As to claim 1, Abu-Hakima teaches an apparatus comprising:

means for tracking and guaranteeing the delivery of said messages to said destination [col. 10, lines 13-23; Abu-Hakima discloses monitoring a message, and retransmitting a message if a delivery attempt fails];

means for monitoring said tracking and guaranteeing means [col. 10, lines 16-19; col. 3, lines 49-54; Abu-Hakima discloses that a user is able to query the system through an explanation agent regarding the path history of a message] ;

means for archiving said messages upon their delivery to the destination [col. 4, lines 59-63; Abu-Hakima discloses a store of messages].

Abu-Hakima does not expressly teach the limitation of monitoring the tracking and guaranteeing means from a single web site.

However, Lin teaches of an electronic messaging tracking system in which queries may be made regarding the status, travel path, and other criteria of any message. Lin teaches the limitation of monitoring the tracking system from a web site [col. 11, line 66 - col. 12, line 8; Lin discloses querying the message tracking system from a web site].

Abu-Hakima and Lin are analogous art because they relate to tracking messages.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Abu-Hakima in view of Lin so as to provide access to the tracking system through a web site. One would be motivated to do so to allow a user to access the message tracking system from any location.

Claims 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., and further in view of Me et al. (U.S. Patent No. 6,662,213).

As to claim 2, the combination of Abu-Hakima in view of Lin teaches the invention substantially as claimed (see rejection of claim 1 above).

The combination does not expressly teach the limitation of a database associated with said monitoring means for counting the number of messages delivered during a selected time period.

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However, Me teaches a system for tracking and verifying the status of a communication from one node to another. Me teaches the limitation of a database associated with a monitoring means for counting the number of messages delivered during a selected time period [col. 15, lines 36-39; Xie discloses determining the transmitted and un-transmitted communications sent to a node during a period of time].

Abu-Hakima in view of Lin and Xie are analogous art because they relate to tracking messages.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Abu-Hakima in view of Lin, in view of Xie so as to periodically determine which messages were successfully delivered to recipients. One would be motivated to do so to take appropriate action regarding undelivered messages.

Claims 3, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., and further in view of Bobo, II (U.S. Patent No. 6,350,066).

As to claim 3, the combination of Abu-Hakima in view of Lin teaches the invention substantially as claimed (see rejection of claim 1 above).

The combination does not expressly teach the limitation of the monitoring means comprising an XML application program interface.

However, Bobo teaches of a Message Storage and Delivery System (MSDS) for storing messages transmitted to an intended recipient, and managing the messages or other files for the purposes of document tracking. Bobo teaches the limitation of a monitoring means comprising an XML application program interface [col. 21, lines 23-35; Bobo discloses that the MSDS operates in an XML environment; col. 25, lines 11-13; Bobo discloses querying the MSDS].

Abu-Hakima in view of Lin and Bobo are analogous art because they relate to storing, delivering and tracking messages.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Abu-Hakima in view of Lin, in view of Bobo so as to provide queries to the tracking system using XML. One would be motivated to do so because XML is suitable for delivery of information and interoperability over the Web.

As to claim 4, the combination of Abu-Hakima in view of Lin, in view of Bobo teaches the apparatus of claim 3 further comprising means for conducting searches [col. 25, lines 11-13].

As to claim 5, the combination of Abu-Hakima in view of Lin, in view of Bobo teaches the apparatus of claim 3 wherein said monitoring means comprises a portal accessible via the Internet [col. 11, line 66 - col. 12, line 8; Lin discloses querying the message tracking system through a web site on the Internet].

Claims 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Bobo, II, and further in view of Hind (U.S. Patent No. 6,665,721).

As to claim 6, the combination of Abu-Hakima in view of Lin, in view of Bobo teaches the apparatus of claim 3 wherein said monitoring means comprises a first server for receiving requests from a user via the Internet [col. 11, line 66 - col. 12, line 8; Lin discloses querying the message tracking system via the Internet].

The combination does not expressly teach the limitations of said first server adapted to generate an XML message in response to said request; a

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second server adapted to receive said XML message and to perform a function responsive to said XML message; and means coupled to said second server for communicating the results of said function to said user.

However Hind teaches of a system for remotely accessing information on a web server. Hind teaches the limitations of:

a first server adapted to generate an XML message in response to a request [col. 5, lines 3-30; Hind discloses a Proxy Servlet residing on an Internet Hosting Web Server (first server) that converts a request from a user in an XML document];

a second server adapted to receive said XML message and to perform a function responsive to said XML message [col. 5, lines 3-30; Hind discloses that a Reverse Proxy for a Home Network Server (second server) retrieves the information requested in the XML document]; and

means coupled to said second server for communicating the results of said function to said user [col. 5, lines 3-30; Hind discloses sending the requested information to the user].

Abu-Hakima in view of Lin, in view of Bobo, and Hind are analogous art because they relate to retrieving information from a server.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Abu-Hakima in view of Lin, in view of Bobo, in view of Hind so as to convert an incoming request into an XML document containing the request and other header information. One would be motivated to do so to provide a control channel for communicating timer and queue information, allowing optimization of data flow.

As to claim 7, the combination of Abu-Hakima in view of Lin, in view of Bobo, in view of Hind teaches the apparatus of claim 6 further comprises means for distributing XML messages to said delivery means via the Internet, said XML messages containing operating instructions for changing the operation of said delivery means [col. 5, lines 3-30; col. 3, lines 27-33; Hind discloses that an XML document containing a request and header information (operating instructions) is sent to the Home Network Reverse Proxy (delivery means)].

As to claim 9, the combination of Abu-Hakima in view of Lin, in view of Bobo, in view of Hind teaches the apparatus of claim 6 further comprising means, associated with said monitoring means, for recovering at least one of said archived messages [col. 4, lines 59-63; Abu-Hakima discloses that users are able to view stored messages].

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Bobo, II, further in view of Hind, and further in view of Xie.

Claim 8 represents an apparatus claim that corresponds to claim 2. It does not teach or define any new limitations above claim 2, and therefore is rejected for similar reasons.

Claims 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Hind et al., and further in view of Elo et al. (U.S. Pub. No. 2003/0204814).

As to claim 10, the combination of Abu-Hakima in view of Lin teaches the invention substantially as claimed (see rejection of claim 1 above).

The combination does not expressly teach the limitation of the apparatus further comprising means for receiving a request for a function; means for building an XML message; means for interpreting said XML message, said

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interpreting means adapted to perform the requested function and returning an XML message to said building means; and means for applying a XSL style sheet to the received XML message and sending the generated output to the user.

However Hind teaches of a system for remotely accessing information on a web server. Xie teaches the limitations of:

means for receiving a request for a function [col. 5, lines 3-30; Hind discloses receiving a request];

means for building an XML message [col. 5, lines 3-30; Hind discloses that a Proxy Servlet (building means) converts the request into an XML document]; and means for interpreting said XML message, said interpreting means adapted to perform the requested function [col. 5, lines 3-30; Hind discloses that the XML document is sent to a Home Network Reverse Proxy and Web Server (interpreting means) which transforms it into an HTTP request, and retrieves the requested information] and returning a message to said building means [col. 5, lines 3-30; Hind discloses sending the requested information to the Proxy Servlet (building means)].

Hind does not expressly teach of returning an XML message to the building means, or of means for applying a XSL style sheet to the received XML message and sending the generated output to the user.

However Elo teaches of a system for producing an on-line, interactive and dynamic presentation of data for viewers. Elo teaches the limitations of:

returning an XML message [par. 0034; Elo discloses creating an XML file to present information to a viewer]; and

means for applying a XSL style sheet to the received XML message and sending the generated output to the user [par. 0035; Elo discloses combining XSL style sheets with XML files to produce HTML output for the viewer].

Abu-Hakima in view of Lin, and Hind in view of Elo are analogous art because they relate to retrieving information from a server, and displaying the information to a user.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Abu-Hakima in view of Lin, in view of Hind and Elo by using XML and XSL style sheets to retrieve and display information requested from the message tracking system. One would be motivated to do so to because XML and XSL style sheets are standards for displaying documents on the Web.

Claims 12-14 represents apparatus claims that corresponds to claim 5-7, respectively. They do not teach or define any new limitations above claim 5-7, and therefore are rejected for similar reasons.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Hind et al., further in view of Elo et al. and further in view of Bobo, II.

Claim 11 represents an apparatus claim that corresponds to claim 4. It does not teach or define any new limitations above claim 4, and therefore is rejected for similar reasons.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Hind et al., further in view of Elo et al. and further in view of Xie et al.

Claim 15 represents an apparatus claim that corresponds to claim 2. It does not teach or define any new limitations above claim 2, and therefore is rejected for similar reasons.

Response to Arguments

Applicant's arguments filed 11/12/2004 have been fully considered but they are not persuasive.

Applicant argued that (1) Abu-Hakima does not teach storing message upon their delivery to the destination, (2) transmitting identifiers of un-transmitted communications is not the same as counting the number of message delivered.

Examiner respectfully submits that regarding to item (1), Abu-Hakima teaches storing messages that are received (see col. 4 lines 59 et seq). Broadly speaking Abu-Hakima teaches the limitation because once the message is received (i.e delivered) to the destination, which could be another computer and so on, it is stored or archived . unless stated otherwise, examiner believes that the claims as written are too broad, therefore, do not distinguish over the prior art of record.

Regarding to item (2), the combination of Abu-Hakima, Lin and Xie teach counting the number of messages delivered. It must be noted that by transmitting identifiers of untransmitted communications, counting number of messages or communication is inherent and implicit in the identifying steps (see Xie col. 15 lines 36 et seq). In other words, it can be said that the identifying steps precedes the steps of counting. Accordingly, the rejection is maintained. Applicant is requested to review the prior art of record for further consideration.

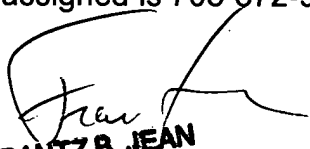
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


FRANTZ B. JEAN
PRIMARY EXAMINER

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Jean



FRANTZ B. JEAN
PRIMARY EXAMINER